THE HONOURABLE SRI JUSTICE GODA RAGHURAM

W.P.NO.2288 OF 2006

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BETWEEN

Yadla Suprajamma wife of Srinivasulu and four others.

...petitioners

vs.

The Government of A.P. rep. By its Secretary (I& CAD) Department), Hyderabad and three others.

…. Respondents.

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

W.P.NO.2288 OF 2006

ORAL ORDER:

In substance the petitioners seek interdiction of the elections to the Water Users' Association, Kuppurupadu village, A.S.Pet Mandal, Nellore District scheduled today i.e., 07-02-2006.

The petitioners claimed to be Ayacutdars of the Kuppurupadu Minor Irrigation Tank and residents of the village. They assail the conduct of the elections now scheduled on 07-02-2006 on the ground that the 4th respondent, prepared a voters list for the Water Users' Association, did not publish the list or call for objections but submitted such illegal voters list to the 2nd respondent-District Election Authority. The petitioners' representations against the voters list addressed to the 2nd and 3rd respondents were not considered by the said respondents.

The election process is on, having commenced. The petitioners have an alternative remedy by way of an election petition under Rule 148 of the A.P. Farmers' Management of Irrigation Systems (Delineation & Formation of Water Users" Association) Rules,2003. They may challenge the election *inter alia* on the

ground that the result of the election insofar as it concerns the returned candidate has been materially affected by non-compliance with the provisions of the Act or any Rules or orders made under the Act. As the petitioners' grievance is that the voters list was published contrary to the provisions of the relevant Rules and ineligible persons included and eligible persons excluded, they are at liberty to put forth these grounds in support of the election petition.

In view of the availability of the alternative remedy, this Court is not inclined to consider interdicting of election to the Water Users' Association, Kuppurupadu village at this stage.

The writ petition is accordingly dismissed. The petitioners are however at liberty to pursue the appropriate remedy by way of an election petition. In the circumstances, there shall be no order as to costs.

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GODA RAGHURAM,J

7TH FEBRUARY 2006

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